

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

UNITED STATES SECURITIES AND
EXCHANGE COMMISSION,

Plaintiff,

v.

PIYUSH G. PATEL, DAVID J. KIRKPATRICK,
ERIC JAEGER, BRUCE D. KAY, ROBERT J.
GAGALIS, ROBERT G. BARBER, JR.,
LAWRENCE COLLINS, MICHAEL A.
SKUBISZ, JERRY A. SHANAHAN,
HOR CHONG (DAVID) BOEY,

No. 01:07-00039-SM

Defendants.

**AFFIDAVIT OF JONATHAN A. SHAPIRO IN SUPPORT OF
DEFENDANT ERIC JAEGER'S REPLY IN SUPPORT OF HIS MOTION FOR
SUMMARY JUDGMENT AND MOTION TO STRIKE THE
DECLARATION OF STEVEN HENNING**

I, Jonathan A. Shapiro, Esquire, on oath, do depose and state as follows:

1. I am a partner of the law firm of Wilmer Cutler Pickering Hale and Dorr LLP in Palo Alto, California. I am an active member in good standing of the bars of California, Massachusetts and the District of New Hampshire.

2. I represent Defendant Eric Jaeger. I submit this Affidavit in support of Mr. Jaeger's Reply in Support of his Motion for Summary Judgment and Motion to Strike the Declaration of Steven Henning, filed herewith.

3. Attached hereto as **Exhibit A** is a true and correct copy of excerpts from the transcript of the June 30, 2011 deposition of Steven Henning.

4. Attached hereto as **Exhibit B** is a true and correct copy of a letter I sent to Sherry Gonzales of the U.S. Securities and Exchange Commission on July 14, 2003.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: July 27, 2011

Respectfully submitted,

/s/ Jonathan A. Shapiro
Jonathan A. Shapiro
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